

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES LITTON,

Defendant.

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CR. NO. 2:19-cr-20083-SHL

MOTION IN LIMINE #3

COMES NOW, Claiborne H. Ferguson, counsel for Defendant, and hereby files this Motion in Limine with argument for a pretrial ruling on the admissibility of evidence.

Evidence Sough Excluded: Generally, the government should not be allowed to elicit testimony from any witness that James Litton either prescribed medication for himself or for his family.

Grounds for Exclusion: The evidence is not relevant to the issues at hand. **Fed. R. Evid. 401**; *Koloda v. General Motors Parts Div., General Motors Corp.*, 716 F.2d 373 (6th Cir. 1983) ("Relevancy is the threshold determination in any decision regarding the admissibility of evidence; if evidence is not relevant, it is not admissible."). Furthermore, without more information than what has been supplied to the defense, there is no way to determine if the statements, if made, are trustworthy and related in time to the charges pending trial and as such can cause unfair prejudice, confuse the issue, and mislead the jury. **Fed. R. Evid. 403**; *U.S. v.*

Stout, 509 F.3d 796 (6th Cir. 2007). Even if Mr. Litton prescribed a family member an antibiotic, that would not make any issues in this case more likely to be true.

Wherefore, Defendant asks the Court to exclude or limit the use of the forgoing evidence.

Respectfully submitted,

The
CLAIBORNE  FERGUSON
Law Firm, P.A.
294 Washington Avenue
Memphis, Tennessee 38103
(901) 529-6400
claiborne101@yahoo.com

/s/ Claiborne H. Ferguson
CLAIBORNE H. FERGUSON (20457)
Attorney for Defendant

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and exact copy of the foregoing document has been served upon all concerned parties, via the Court's electronic filing system, this the 28th day of February 2020.

s/Claiborne H. Ferguson
CLAIBORNE H. FERGUSON